

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Case No. 5:21-cv-00065

DAVID SHELNUTT,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,¹

Defendant.

ORDER

This matter is before the Court on Plaintiff's request for judicial review of Defendant's decision that Plaintiff is not disabled. Defendant filed a Motion for Remand (Doc. No. 4) requesting that this Court remand the case under sentence six of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), due to irregularities in the hearing recording process.

IT IS THEREFORE ORDERED that good cause having been shown, the Motion (Doc. No. 4) is GRANTED. The Court hereby remands this case to Defendant, under sentence six of 42 U.S.C. § 405(g), for further administrative proceedings. Because this case is being remanded under sentence six of 42 U.S.C. § 405(g), the Court shall retain jurisdiction while the case is pending before Defendant. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

Signed: July 27, 2021



Frank D. Whitney
United States District Judge

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).